



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,875	03/26/2004	Sandeep Relan	15488US01	9842

23446 7590 08/16/2006

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/810,875	Applicant(s) RELAN ET AL.	
	Examiner Matthew C. Sams	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 5/30/2006.
2. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.
3. Claims 1-29 have been canceled and claims 30-36 have been added.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 30-32 and 34 are rejected under 35 U.S.C. 102(e) as being unpatentable over Husain et al. (US-6,978,380 hereafter, Husain).

Regarding claim 30, Husain teaches a method of secure application and authorization of an account (Col. 5 lines 3-32) including having a mobile terminal (Fig. 2 [20]) comprising an output for transmitting an application for credit over a first network (Col. 5 lines 3-13 & 33-51) and an input for receiving account information associated with the application for credit over a second network. (Col. 6 lines 40-67)

Art Unit: 2617

Regarding claim 31, Husain teaches the first network comprises a packet network and the second network comprises a cellular telephone network. (Col. 5 lines 33-51 and Col. 6 lines 40-67)

Regarding claim 32, Husain teaches the input receives the account information during an incoming phone call to the mobile terminal and wherein the account information is transmitted as audio signals. (Col. 5 lines 33-51 and Col. 6 lines 40-67)

Regarding claim 34, Husain teaches the application is transmitted during a session over the first network and wherein the account information is transmitted during a session over the second network (Col. 5 lines 33-51 and Col. 6 lines 40-67), and wherein the session over the first network is initiated by the mobile terminal and wherein the session over the second network is initiated by a node sending the account information associated with the application for credit to the mobile terminal. (Col. 5 lines 33-51 and Col. 6 lines 40-67)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Husain in view of Chetty (US 2002/0052193).

Regarding claim 33, Husain teaches the limitations of claim 32 above, but differs from the claimed invention by not explicitly reciting the mobile terminal is operable to detect a command preceding the audio signal and operable to record the account information after detecting the command.

In an analogous art, Chetty teaches a mobile terminal is operable to detect a command preceding the audio signal and operable to record the account information after detecting the command. (Page 5 [0066] through Page 7 [0071] and Fig. 3 [240 & 250]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Husain after modifying it to incorporate the ability to save information when prompted of Chetty. One of ordinary skill in the art would have been motivated to do this since it enables a central server to update remote devices in the field.

8. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husain.

Regarding claims 35 and 36, Husain teaches the use of a first and second network for establishing a credit application (Col. 5 lines 33-51 and Col. 6 lines 40-67), but differs from the claimed invention by not explicitly reciting the first network session is terminated (prior to) or (after) the establishment of the session with a second network. However, it would have been obvious to one of ordinary skill in the art to be motivated to terminate a first network session (prior to) or (after) the establishment of the session with a second network as a security precaution. (Col. 6 lines 40-67)

Response to Arguments

9. Applicant's arguments with respect to claims 30-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS
8/8/2006


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER